



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/698,141

10/31/2003

Edward Alan Clark

LUC-433/Clark 10

2903

32205 7590 06/18/2008
PATTI, HEWITT & AREZINA LLC
ONE NORTH LASALLE STREET
44TH FLOOR
CHICAGO, IL 60602

EXAMINER

PHAN, JOSEPH T

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

06/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/698,141	Applicant(s) CLARK, EDWARD ALAN	
	Examiner Joseph T. Phan	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11 and 13-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-11, and 13-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

It is noted that for all future responses in applicant's arguments, the applicant should show where in the specification the added limitations are supported as this would help advance prosecution.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the single Apparatus of claim 1, CPE server component, user-related server component, secondary data streams, voicemail system, IVR system, etc. as described in the specification. The numbering of items are not sufficient as the drawings include multiple modifications(e.g from Fig.1 to Fig.2 and from Fig.3 or Fig.4) which requires identification, the identification of the devices/items with the numbers are necessary.

Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.

Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets

may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as “Annotated Sheets” and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

Claim Rejections - 35 USC § 112

4. Claims 1, 3-11, and 13-19 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

5. Independent claim 1 line 6 recites ‘*a user-related application server component with which the CPE application server component*’ and claim 17 line 6 recites ‘*the CPE and user-related application server components*’ which are not disclosed by applicant’s specification. The specification only discloses application server components(e.g. page 5 lines 20-22 and page 6 lines 9-17) which do not define CPE and user-related application server components.

6. Claims 1 and 17 lines 4-5 recites 'secondary signaling data streams' which is also not disclosed by application's specification. The specification only discloses data streams(page 7 lines 15-23) and does not define 'secondary signaling data streams'.

Appropriate clarification and/or correction is required.

These added limitations creates 'new matter' issues which needs clarification and/or correction.

7. Applicant's specification teaches of a CPE(page 5 lines 4-5) and of application server components(page 6 lines 9-17) but it does not appear to disclose a 'CPE application server component' as claimed. Examiner requests applicant to disclose where in the specification discloses this CPE component. Furthermore, label 100 of Fig.1 is the so-called 'apparatus' of claim 1, which causes confusion as an apparatus is not a network of components, which Fig.1 discloses. Examiner recommends changing 'apparatus' to a 'system' or 'network' to avoid confusion to the standard usage of an 'apparatus'(single device).

It is noted that for all future responses in applicant's arguments, the applicant should show where in the specification the added limitations are supported. This is standard US patent practices and procedures to help progress prosecution.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

9. Claims 1, 3-11, and 13-19 rejected under 35 U.S.C. 102(e) as being anticipated by Crockett et al., Patent #7,336,771.

Regarding claim 1, Crockett teaches an apparatus(Fig.1), comprising:

a Customer Premise Equipment (CPE) application server component(40 Fig.1) that provides one or more services to a telephony device(25 Fig.1) on a call through establishing one or more secondary signaling data streams associated with the call(24 Fig.1 and col.4 lines 24-57), the one or more services selectively determined by a user of the telephony device(col.8 lines 30-44); and a user-related application server component with which the CPE application server component provides the one or more services through employment of the one or more secondary signaling data streams(col.6 line 61-col.7 line 16).

Regarding claim 3, Crockett teaches the apparatus of claim 1, wherein the user-related application server component establishes one or more web portals with the telephony device(col.8 lines 6-57); wherein the CPE application server component and the user-related application server component provide the one or more services to the telephony device through employment of the one or more web portals(col.8 lines 6-57).

Regarding claim 4, Crockett teaches the apparatus of claim 3, wherein the CPE

application server component and the user-related application server component provide one or more interfaces associated with the one or more services through employment of the one or more web portals(col.8 lines 6-57).

Regarding claim 5, Crockett teaches the apparatus of claim 3, wherein the CPE application server component and the telephony device establish the call(Fig.1); wherein the CPE application server component provides one or more interfaces to allow the telephony device to initiate a request to the CPE application server component wherein in response to the request from the telephony device to the CPE application server component, the CPE application server component alters the call(col.4 lines 24-57, col.7 lines 1-16, and col.8 lines 6-57).

Regarding claim 6, Crockett teaches the apparatus of claim 5, wherein the call comprises a voice menu, wherein the user-related application server component updates the voice menu based on the request(col.8 lines 30-44).

Regarding claim 7, Crockett teaches the apparatus of claim 6, wherein a plurality of voice menus comprise the voice menu, wherein the user-related application server component provides a first voice menu of the plurality of voice menus to the telephony device(col.8 lines 30-44); wherein in response to the request from the telephony device to the CPE application server component, the user-related application server component halts the first voice menu and provides a second voice menu of the plurality of voice menus based on the employment of the one or more services(col.8 lines 6-57 and col.24 line 57-col.25 line 10).

Regarding claim 8, Crockett teaches the apparatus of claim 5, wherein in response to the request from the telephony device to the CPE application server component, the CPE application

server component routes the call(col.4 lines 24-57, col.7 lines 1-16, and col.8 lines 6-57).

Regarding claim 9, Crockett teaches the apparatus of claim 5, wherein the CPE application server component provides a first one or more services to the telephony device, wherein in response to the request from the telephony device to the CPE application server component, the CPE application server component provides a second one or more services to the telephony device(col.4 lines 24-57, col.7 lines 1-16, and col.8 lines 6-57).

Regarding claim 10, Crockett teaches the apparatus of claim 4, wherein the one or more interfaces comprise one or more eXtended Markup Language (XML) interfaces(col.8 lines 6-56); wherein the CPE application server component communicates with the user-related application server component to provide the one or more eXtended Markup Language interfaces(col.4 lines 24-57, col.7 lines 1-16, and col.8 lines 6-57).

Regarding claim 11, Crockett teaches the apparatus of claim 2, wherein the CPE application server component requests of the user-related application server component to establish the one or more web portals through employment of the HyperText Transport Protocol (HTTP) (col.8 lines 44-57).

Regarding claim 13, Crockett teaches the apparatus of claim 1, wherein the CPE application server component provides one or more interfaces associated with the one or more services that allow the telephony device to interact with the one or more services, wherein the CPE application server component provides the one or more interfaces to the user-related application server component through employment of the one or more data streams(col.4 lines 24-57, col.7 lines 1-16, and col.8 lines 6-57), wherein the user-related application server component establishes one or more web

portals with the telephony device(col.8 lines 6-57);

wherein the CPE application server component and the user-related application server component provide the one or more interfaces through employment of the one or more web portals(col.8 lines 6-57).

Regarding claim 14, Crockett teaches the apparatus of claim 13, wherein the CPE application server component associates the call with the one or more services, wherein the CPE application server component associates the one or more services with the one or more interfaces, wherein the CPE application server component and the user-related application server component provide the one or more services that allow the telephony device to perform a request(col.4 lines 24-57, col.7 lines 1-16, and col.8 lines 6-57); wherein in response to the request from the telephony device to the user-related application server component, the user-related application service component and the CPE application server component update the one or more services(col.24 line 57-col.25 line 10).

Regarding claim 15, Crockett teaches the apparatus of claim 12, wherein the CPE application server component comprises a voice mail system, wherein the voice mail system associates the call with a plurality of voice menus, wherein the voice mail system and the telephony device cooperate to establish a voice mail call(col.8 lines 30-44 and col.20 lines 16-53); wherein the voice mail system and the user-related application server component cooperate to provide a first voice menu of the plurality of voice menus associated with the call to the telephony device(col.8 lines 30-44 and col.20 lines 16-53); wherein the voice mail system and the user-related application server component provide one or more interfaces to allow the telephony device to perform a selection of a second voice menu of

Art Unit: 2614

the plurality of voice menus(col.8 lines 30-44 and col.20 lines 16-53);

wherein in response to the selection of the second voice menu from the telephony device to the voice mail system, the voice mail system updates the voice mail call to play the second voice menu to the telephony device(col.8 lines 30-44, col.20 lines 16-53, and col.24 line 57-col.25 line 10).);

Regarding claim 16, Crockett teaches the apparatus of claim 12, wherein the CPE application server component comprises a interactive voice response system, wherein the interactive voice response system associates the call with a plurality of voice menus, wherein the interactive voice response system and the telephony device cooperate to establish an interactive voice response call(col.4 lines 24-57, col.7 lines 1-16, and col.8 lines 6-57);

wherein the interactive voice response system and the user-related application server component provide a first voice menu of the plurality of voice menus associated with the interactive voice response call to the telephony device(col.8 lines 30-44);

wherein the interactive voice response system and the user-related application server component provide one or more interfaces to allow the telephony device to perform a selection of a second voice menu of the plurality of voice menus(col.8 lines 30-44)

wherein in response to the selection of the second voice menu from the telephony device to the interactive voice response system, the interactive voice response system routes the interactive voice response call(col.4 lines 24-57, col.7 lines 1-16, and col.8 lines 6-57).

Regarding claim 17, Crockett teaches a method, comprising the step of:
providing a Customer Premise Equipment(CPE) application server component, providing a user-related application server component(fig.1); and

Art Unit: 2614

providing one or more services to a telephony device on a call through establishing one or more secondary signaling data streams between the CPE and user-related application server components associated with the call, the one or more services selectively determined by a user of the telephony device(col.4 lines 24-57, col.7 lines 1-16, and col.8 lines 6-57).

Regarding claim 18, Crockett teaches the method of claim 17, wherein the step of providing, the one or more services to the telephony device on the call through employment of the one or more data streams associated with the call comprises the steps of:

providing one or more interfaces associated with the one or more services to the telephony device through employment of one or more web portals(col.4 lines 24-57, col.7 lines 1-16, and col.8 lines 6-57);

providing for a request of the one or more services through the one or more interfaces and updating the call based upon the request of the one or more services through the one or more interfaces(col.24 line 57-col.25 line 10).

Regarding claim 19, Crockett teaches the method of claim 17, wherein the step of providing, the one or more services to the telephony device on the call through employment of the one or more data streams associated with the call comprises the steps of:

providing for an employment of the one or more services through the one or more interfaces(col.8 lines 6-57); and

routing the call based upon the employment of the one or more services(col.24 line 57-col.25 line 10).

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-7544. The examiner can normally be reached on Mon-Fri 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph T Phan/
Examiner, Art Unit 2614

/Curtis Kuntz/

Supervisory Patent Examiner, Art Unit 2614